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October 1, 2014

United States Attorney
Eastern District of New York
610 Federal Plaza
Central Islip, NY 11722
Attn: AUSA James M. Miskiewicz
AUSA Saritha Komatireddy

RE: United States v. Philip Kenner & Tommy C. Constantine
Docket Number: 13-CR-607 (JFB)

Dear Mr. Miskiewicz and Ms. Komatireddy:

In furtherance of my letters of September 3, 2014 and September 18, 2014 which remain unanswered as of this date, I renew my request pursuant to Rule 16 to review the original documents containing “forged signatures” as alleged in your letter of August 29, 2014. In addition, I again request that you make available my client’s MacBook computer in an operational condition in order that I as well as my client may review select documents contained on the computer.

Inasmuch as my client will be present in court on October 7, 2014 , it appears to be an opportune time for my client and myself to inspect and review the aforementioned documents as well as the MacBook computer at the United States Attorney’s Office in Central Islip either before or after his court appearance.

As you are aware subdivision (a)(1)(E) of Rule 16 provides that upon a defendant’s request the government must permit the defendant to inspect, among other things, papers, documents, data and tangible objects within the government’s possession, custody or control. I trust that the instant request will not require by way of pre-trial motion a court order to obtain this most fundamental form of Rule 16 discovery available to a defendant.

Very truly yours,

Richard D. Haley

RICHARD D. HALEY

